

ORDINANCE NO. 46-592

AN ORDINANCE AMENDING SECTIONS 7.72.010, 7.72.020, 7.72.030, 7.72.040, 7.72.050, 7.72.050, 7.72.060, 7.72.070, 7.72.080, 7.72.090, 7.72.100, 7.72.110, 7.72.120, 7.72.130, 7.72.140, 7.72.150, 7.72.160, 7.72.170, 7.72.180, 7.72.190, 7.72.200, AND 7.72.220 AND REPEALING EXISTING VERSIONS OF THOSE CODE SECTIONS OF THE CITY CODE AND ENACTING NEW SECTIONS 7.72.03, 7.72.095, 7.72.121, 7.72.191, 7.72.193, 7.72.197, 7.72.201, 7.72.202, 7.72.230 AND REPEALING EXISTING SECTION 7.72.210 OF THE CODE OF THE CITY OF WICHITA, KANSAS PERTAINING TO SWIMMING POOLS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Sections 7.72.010, 7.72.020, 7.72.030, 7.72.032, 7.72.040, 7.72.050, 7.72.050, 7.72.060, 7.72.070, 7.72.080, 7.72.090, 7.72.095, 7.72.100, 7.72.110, 7.72.120, 7.72.121, 7.72.130, 7.72.140, 7.72.150, 7.72.160, 7.72.170, 7.72.180, 7.72.190, 7.72.190, 7.72.191, 7.72.193, 7.72.197, 7.72.200, 7.72.201, 7.72.202, 7.72.210, 7.72.220, 7.72.230 of the Code of the City of Wichita, Kansas shall read as follows:

Section 7.72.010 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings:

“CT Value” is the concentration (C) of free available chlorine in ppm multiplied by time (T) in minutes (CT value = C x T) that is necessary to kill any designated microorganism. The CT value for Giardia is 45 and the value for Cryptosporidium is 9600.

"Health Officer" means the director of the Department of Environmental Health or his or her authorized representative.

"Lifeguard" means a person designated to carry out safety procedures and supervision of swimming and other use activities at a swimming pool who holds a current certificate in one or more of the following water safety courses: American Red Cross Lifeguard Training, Young Men's Christian Association Lifeguard, Boy Scouts of America BSA Lifeguard, or other equivalent credential as determined by the Health Officer.

"Manager" means a person designated by a property owner, his or her agent, or lessee to be responsible for the operation, supervision and maintenance of a regulated swimming pool, spa pool, or recreational water feature on that property. The property owner or lessee is deemed to be the manager for this chapter until the Health Officer is provided contrary information by compliance with 7.72.030.

"Non-regulated spa pool" means any spa pool located at an individual residence under the control of the owner or lessee, where the use of the spa pool is limited to recreational or therapeutic bathing by the members of the owner's or lessee's family and/or their invited, non-paying guests.

Non-regulated swimming pool" means any swimming pool located at an individual residence under the control of the owner or lessee, where the use of the swimming pool is limited to swimming or bathing by members of the owner's or lessee's family or their invited non-paying guests. Whenever such non-regulated swimming pool is used for persons other than the owner or lessee, his or her family or their non-paying invited guests, such non-regulated swimming pool shall be made to comply with the provisions of this chapter applicable to regulated swimming pools.

"Person" means any individual, firm, partnership, association, corporation, joint venture, company, municipality, body politic or subdivision of the state, club, group, other state

franchised business entity such as a professional association, limited liability company, or limited liability partnership or other organization of any kind.

“Recreational water feature” means any other recreational structure other than a swimming pool or spa pool which is open to the general public or which is semi-public, involving the use of recirculated water in which people come into contact. This may include, but is not limited to, zero depth water features, interactive fountains, water slides, waterfalls, or combinations of such water features. Water features not intended for human contact, such as ornamental fountains, are not included.

“Regulated spa pool” means any spa pool intended to be used by the general public or which is semi-public.

“Regulated swimming pool” means any swimming pool intended to be used by the general public, or which is semi-public.

“Semi-public” means any swimming pool, spa pool, or other water feature which is intended to be used primarily by the occupants and their invited guests of any type of

- 1) a permanent residence facility, e.g., apartment house, condominium, residential club, homeowners’ association, and other housing complex, or
- 2) a temporary residence facility, e.g., hotel, motel and camp; or
- 3) a commercial or non-commercial workout club, swim club, exercise facility, or country club; or
- 4) an institution, such as a school, college, university, hospital, church, etc.

“Spa pool” means any spa, hot tub or special facility, other than a swimming pool, which is designed and intended for recreational and therapeutic use, and which is not drained, cleaned or refilled after each individual use. It may include but not be limited to, units designed for hydro

jet circulation, hot water, cold water, mineral bath, air induction bubbles or any combination thereof. Common terminology for a spa includes, but is not limited to, "therapeutic pool," "hydrotherapy pool," "whirlpool," "hot spa" and "hot tub."

"Swimming pool" means any structure, basin, chamber or tank containing an artificial body of water intended for swimming, diving or recreational bathing and having a rim to bottom depth of two feet or more at any point.

"Wading pool" means any structure, basin, chamber or tank containing an artificial body of water for recreational bathing and having a rim to bottom depth of less than two feet at any point which is open to the general public or is semi-public.

Section 7.72.020 Contingent restrictions for non-regulated swimming pools and non-regulated spa pools.

The design, construction, and operation of non-regulated swimming pools or spa pools are not subject to the provisions of this chapter, except that whenever such non-regulated swimming pools or spa pools are used for persons other than the owner or lessee, his or her family or their invited non-paying guests such non-regulated swimming pools or spa pools shall be made to comply with the provisions of this chapter applicable to regulated swimming pools or spa pools.

Non-regulated swimming pools and spa pools, as defined in Section 7.72.010, shall be protected and enclosed with a fence or wall enclosure, impenetrable to humans, at least sixty inches in height. Gates leading to such pools shall be latched when not under supervision of an adult. Such latch shall reasonably ensure against accidental or unauthorized access to the swimming pool or spa pool by children. Fencing for the entire yard in which a swimming pool or spa pool is located is acceptable, provided such fence or wall complies with the above

requirements. In lieu of the fencing specified above, such swimming pool or spa pool may be protected and enclosed, when not under the supervision of an adult, by means of a pool power safety cover meeting the most recent specifications approved by the American Society for Testing and Materials for swimming pool covers under the fixed designation standard F 1346 (ATSM F 1346), or with a locked spa pool cover.

Section 7.72.030 License required--fees--Designation of manager--Notice to Health Officer.

No person shall operate a regulated swimming pool, a regulated spa pool, or other recreational water feature without a valid license issued by the City. Application shall be made to the City Treasurer on an annual basis and shall be made upon a form provided by the City. The applicant shall pass a site inspection and document review by the Department of Environmental Health and pay an annual licensing fee prior to issuance of a license. Fees for regulated facilities shall be as follows:

License Type	License Fee
Swimming pool, wading pool, spa pool, or other recreational water feature – annual	\$ 200
Additional annual swimming pool, wading pool, spa pool, or other recreational water feature at the same location	\$ 100
Seasonal (six or fewer months) swimming pool, wading pool, spa pool, or other recreational water feature	\$ 125
Additional seasonal swimming pool, wading pool, spa pool, or other recreational water feature at the same location	\$ 50

Swimming pools, spa pools, and other recreational water features operated by the City of Wichita or public school districts within the City limits shall not be required to pay licensing fees, but shall require licenses and be required to comply with all regulations within Chapter 7.72 of the City Code.

The owner, owner's agent or lessee of every swimming pool, spa pool, wading pool or other recreational water feature regulated within this chapter shall designate a manager who shall be at least eighteen years old. The owner, owner's agent or lessee of the facility shall inform the Health Officer in writing of the name, address and telephone number of the manager, before the opening of the pool, spa or recreational water feature each year, and at any time there is a change of manager during the season of operation. The written notification shall also include the basis for admission and intended use of the regulated swimming pools, regulated spa pools, wading pools or recreational water features affected.

Section 7.72.032 Wading Pools.

When associated with regulated pools, a wading pool shall be separate and physically set apart from the shallow water areas of the swimming pools by a four-foot high barrier or at least six feet of deck from a regulated pool. Where a wading pool is adjacent to any area of a regulated pool exceeding four feet in depth, measured two feet horizontally from the pool edge, a minimum four-foot high barrier shall be installed separating the two pools. Wading pools shall have a maximum water depth less than twenty-four inches. The water depth at the perimeter shall not exceed eighteen inches.

Section 7.72.040 Lifeguards required.

The manager of every regulated swimming pool and every public or semi-public wading pool where children under the age of 16 are permitted to swim unattended by an adult shall maintain lifeguards in attendance in the pool area whenever the swimming pool is in use. The number of lifeguards in attendance shall be as provided in Section 7.72.050.

Section 7.72.050 Lifeguard plan.

The owner, lessee or manager of every regulated swimming pool and public and semi-public wading pool that is required to maintain lifeguards in accordance with Section 7.72.040 shall submit to the Health Officer a lifeguard plan. Such lifeguard plan shall show how adequate lifeguard services are to be provided. The plan shall include a drawing of the pool, location of lifeguard elevated chairs and/or stations, water depths, numbers and locations of lifeguards under the various anticipated use and load conditions, type and location of safety equipment, and such other information as the Health Officer may request. The Health Officer shall either deny or approve the plan as submitted, or approve the plan after such modifications as he or she deems necessary to provide for adequate public safety

Section 7.72.060 Operation in accordance with approved lifeguard plan.

The manager of regulated swimming pool and each wading pool that is required to have an approved lifeguard plan, or that otherwise has an approved lifeguard plan, shall operate his or her swimming or wading pool in accordance with such approved lifeguard plan. Any modifications to the approved lifeguard plan must be proposed in writing to the Health Officer for review. Only modifications approved by the Health Officer shall be implemented.

Section 7.72.070 Pools without lifeguards.

At those regulated swimming and wading pools that are not required to have an approved lifeguard plan, a warning sign shall be placed and maintained in plain view and shall state "Warning -- No Lifeguard on Duty" with clear, legible letters at least four inches high. In addition, the sign shall also state "Children Less Than 16 Years Old Shall Not Use Pool Without An Adult in Attendance."

Section 7.72.080 Elevated lifeguard platform or chair.

Regulated swimming pools and wading pools that are required to have an approved lifeguard plan, operated primarily for unorganized use and having an area of more than two thousand two hundred and fifty square feet of water surface area shall be provided with an elevated lifeguard platform or chair. In such regulated swimming pools with four thousand square feet or more of water surface area, additional elevated chairs or stations shall be provided as required by the Health Officer, located so as to provide a clear, unobstructed view of the pool bottom in the area under surveillance. Unorganized use is use other than supervised instruction, training, competition, therapy, exhibitions and demonstrations.

Section 7.72.090 Lifesaving equipment.

One unit of lifesaving equipment shall be provided at all regulated swimming pools. For regulated swimming pools where lifeguards are not provided one unit of lifesaving equipment shall consist of:

1. A ring buoy with an outside diameter of fifteen to seventeen inches which shall be attached to a three-sixteenths inch diameter rope long enough to reach at least one half the longest dimension of the pool.
2. A life pole or shepherd's crook type of pole having blunted ends with minimum length of twelve feet.

For regulated swimming pools where lifeguards are provided, one unit of lifesaving equipment shall consist of:

1. A ring buoy with an outside diameter of fifteen to seventeen inches which shall be attached to a three-sixteenths inch diameter rope long enough to reach at least one half the longest dimension of the pool. A rescue tube equipped with a strap or

towrope at least six-feet in length may be used in lieu of a ring buoy and life pole or shepherd's crook at pools providing lifeguards when lifeguards are present on duty.

2. A life pole or shepherd's crook type of pole having blunted ends with minimum length of twelve feet.
3. For regulated swimming pools where lifeguards are provided, a backboard with head immobilization and working straps shall be furnished. Swimming pools where lifeguards are not provided are not required to provide backboards.

One unit shall be presumed to be adequate for three thousand square feet of water surface area. In regulated swimming pools with more than three thousand square feet of water surface area, additional units shall be provided as required by the Department of Environmental Health. Lifesaving equipment shall be mounted in conspicuous places, distributed around the swimming pool deck, lifeguard chairs or elsewhere, readily accessible, its function plainly marked and kept in repair and ready, usable condition. Bathers or others shall not be permitted to tamper with or use lifesaving equipment for any purpose other than its intended use, or otherwise remove such equipment from its established location.

Section 7.72.095 Depth markers for swimming pools and spa pools.

Regulated swimming pools shall have the depth of the water conspicuously marked in feet at or above the waterline on the vertical pool wall and/or on the top of the coping or edge of the deck next to the pool. The depth markings shall be installed at the maximum and minimum water depths and at all points of slope change in increments of not less than two feet of change in water depth. They shall be arranged uniformly on both sides and both ends of the pool. The numerals of the markings shall be a minimum of four inches in height.

Regulated spa pools shall have at least one marker (minimum 4" in numeral height) indicating maximum depth readily visible to users.

Section 7.72.100 First aid.

Every regulated swimming pool requiring lifeguards shall be equipped with a first aid kit which shall be kept ready for use, filled with supplies appropriate for the treatment of injuries consistent with the training required of lifeguards at Section 7.72.010.

Section 7.72.110 Control of access.

When any outdoor regulated swimming pool, wading pool or regulated spa pool is not open for use, access to the pool shall be prevented with a fence or wall enclosure, impenetrable by humans, at least sixty inches in height. Gates leading to such pools shall be latched when not under supervision of an adult. Such latch shall reasonably ensure against accidental or unauthorized access to the pool by children. In lieu of the fencing specified above a swimming or working pool may be protected and enclosed, when not under the supervision of an adult, by means of a power safety cover meeting the most recent specifications approved by the American Society for Testing and Materials for swimming pool covers under the fixed designation standard F 1346 (ASTM F 1346). Spa pools may be protected by a locked spa pool cover.

When any indoor regulated swimming pool, wading pool or regulated spa pool is not open for use, access to the pool shall be prevented by lockable doors or other structures which effectively prevent access.

Section 7.72.120 Disinfecting materials, methods, and water quality standards.

Regulated swimming pools, spa pools, wading pools or other recreational water features when in use shall be continuously disinfected by a chemical which imparts an easily measured, free available residual effect. When chlorine is used, a free chlorine residual of at least 1.0 ppm

shall be maintained in swimming pools while in operation. A free chlorine residual of at least 2.0 ppm shall be maintained in spa pools and wading pools. A free chlorine residual of at least 2.0 ppm at point of contact shall be maintained in other recreational water features when in operation. Free chlorine residuals shall not exceed 5.0 ppm in swimming pools, spa pools, wading pools or recreational water features when in use. If other disinfectants are used, residuals of equivalent disinfecting strength shall be maintained. A testing kit, approved by the Health Officer, for measuring the concentration of the disinfectant shall be provided at each regulated swimming pool, regulated spa pool, wading pool or other recreational water feature. The Health Officer may accept other disinfecting materials or methods when those materials have been adequately demonstrated to provide a satisfactory residual effect which is easily measured and determined to be equally as effective under conditions of use as the chlorine concentration required herein, while not being dangerous to public health, create objectionable physiological effects or impart toxic properties to the water. The disinfected water shall be maintained in an alkaline condition as indicated by a pH of not less than 7.0 and not over 8.0. A pH testing kit accurate to the nearest 0.2 pH unit shall be provided at each regulated swimming pool, regulated spa pool, wading pool or other recreational water feature. The total alkalinity of the water shall be at least 80 ppm. and at most 180 ppm., as measured by the methyl-orange test. Chemicals used in controlling the quality of water shall be demonstrated as imparting no toxic properties to the water. Such chemicals as may be used for algae control shall be approved for use by the Health Officer. The water in a swimming pool, wading pool or spa pool shall have sufficient clarity at all times so that the main drain is clearly visible and sharply defined when observed from the edge of the pool at a point adjacent thereto. For spa pools, the maximum allowable water temperature shall not exceed one hundred four degrees Fahrenheit.

Section 7.72.121 Fecal and vomit accident response.

The text of Section 7.72.121 must be posted, or kept readily available with daily pool maintenance records, for pool staff to reference in the case of a fecal accident. At such time as a fecal accident occurs at any regulated swimming pool, regulated spa pool, wading pool or other recreational water feature, the facility must be immediately closed and access to the water prohibited. The Health Officer must be notified of fecal accidents involving diarrhea at such time as they occur. The manager shall immediately make a fecal accident report on a form provided by the Health Officer. On that form the manager shall record each fecal accident, date and time of the event, time of Health Officer notification if required, whether the accident involved formed stool or diarrhea, and recording of the chlorine levels and pH at the time of observation of the accident. Before reopening the pool, the manager shall record the pH, the procedures followed in response to the fecal accident (including the process used to increase chlorine levels if necessary), and the contact time. The fecal accident report shall be maintained and kept readily accessible with daily records for inspection by the Health Officer. The manager shall follow the most current Center for Disease Control and Prevention (CDC) recommended procedures for responding to fecal accidents in chlorinated recreational water venues. Before the facility is reopened for use the manager shall at a minimum take the following steps as referenced from the CDC Fecal Accident Response Recommendations for Aquatics Staff:

For fecal accidents involving solid stool, or for vomit accidents

1. Direct everyone to leave the facility. If multiple facilities use the same filter—all facilities shall be shut down. Do not allow anyone to enter the contaminated facility(s) until all decontamination procedures are completed.

2. Remove as much of the fecal material or vomitus as possible using a net or scoop and dispose of it in a sanitary manner. Clean and disinfect the net or scoop. The net or scoop may be disinfected after cleaning by leaving the cleaned net or scoop immersed in the facility during facility disinfection. **VACUUMING STOOL FROM THE FACILITY IS NOT RECOMMENDED.**
3. Raise the chlorine to 2 ppm (if less than 2 ppm), and ensure the pH is between 7.2 - 7.5. This chlorine concentration was selected to keep the facility closure time to approximately 30 minutes. Other concentrations or closure times can be used as long as the CT inactivation value (Figure 1) is kept constant.
4. Maintain the chlorine concentration at least 2.0 ppm, pH 7.2 - 7.5, for at least 25 minutes before reopening the facility. The Health Officer may require higher chlorine levels in the presence of chlorine stabilizers such as chlorinated isocyanurates. Ensure that the filtration system is operating while the facility reaches and maintains the proper free available chlorine concentration during the disinfection process.

Figure 1-Giardia Inactivation for Formed Fecal Accident

Chlorine Levels (ppm)	Disinfection Time*
1.0	45 minutes
2.0	25 minutes
3.0	19 minutes
* These closure times are based on a 99.9% inactivation of Giardia cysts by chlorine, pH 7.5, 77° F (25° C). The closure times were derived from the Environmental Protection Agency (EPA) Disinfection Profiling and Benchmarking Guidance Manual. These closure times do not take into account “dead spots” and other areas of poor facility water mixing.	

For fecal accidents involving diarrhea

1. Direct everyone to leave the facility. If multiple facilities use the same filter—all facilities shall be shut down. Do not allow anyone to enter the contaminated facility(s) until all decontamination procedures are completed.
2. Remove as much of the fecal material as possible using a net or scoop and dispose of it in a sanitary manner. Clean and disinfect the net or scoop. The net or scoop may be disinfected after cleaning by leaving the cleaned net or scoop immersed in the facility during facility disinfection. VACUUMING STOOL FROM THE FACILITY IS NOT RECOMMENDED.
3. Raise the free available chlorine concentration to at least 20 ppm and maintain the pH between 7.2 and 7.5. This chlorine and pH level should be sufficient to inactivate *Cryptosporidium* and should be maintained for at least 8 hours, equivalent to a CT inactivation value of 9600 (Figure 2).
4. Ensure that the filtration system is operating while the facility reaches and maintains the proper chlorine level during disinfection. If necessary, consult an aquatics professional to determine and identify the feasibility, practical methods, and safety considerations before attempting the hyperchlorination of any facility.
5. Backwash the filter thoroughly after reaching the CT value. Be sure the effluent is discharged directly to waste and in accordance with City of Wichita regulations. Do not return the backwash through the filter. Where appropriate, replace the filter media.

6. Participants may be allowed back into the facility after the required CT value has been achieved and the chlorine level has been returned to the normal operating range allowed by Section 7.72.120.

Figure 2-Crypto Inactivation Time for Diarrheal Accident

Chlorine Levels (ppm)	Disinfection Time
1.0	6.7 days
10	16 hours
20	8 hours
30	6 hours
40	4 hours

***Figures 1 and 2 are examples to achieve CT values. Disinfection time may be decreased by increasing the chlorine levels to achieve the required CT values.**

Section 7.72.130 Cleaning.

Visible dirt on the bottom of a regulated swimming pool, wading pool or regulated spa pool shall be removed every twenty-four hours or more frequently as required. Visible scum or floating matter on the regulated swimming pool, wading pool or spa pool surface shall be removed every twenty-four hours by flushing or other effective means.

Section 7.72.140 Personal regulations.

A reasonable application of the following personal regulations shall be the responsibility of the manager of each regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature:

1. All persons using a regulated swimming pool, wading pool or regulated spa pool, where a shower is provided, shall take a cleansing shower bath before entering the pool.

2. Where restrooms are provided at a regulated swimming pool, spa pool, or other recreational water feature, all such restrooms shall have soap provided and available for hand washing.
3. Any person known to have any disease communicable through water shall be excluded from a regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature. Persons having any considerable area of exposed subepidermal tissue, open blisters, or cuts shall be warned that these are likely to become infected and advised not to use the swimming pool, wading pool, regulated spa pool, or other recreational water feature.
4. Spitting, spouting of water, and blowing the nose in the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature is prohibited.
5. No pets are allowed in a regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature.
6. Children who are not toilet trained, or individuals with fecal incontinence shall utilize swim diapers or other effective means to prevent fecal contamination of the pool, spa, or other water feature.
7. No running, boisterous or rough play, except supervised water sports, shall be permitted in the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature, or on the adjacent and nearby decks, runways, diving boards, floats, platforms or in dressing rooms and shower rooms.
8. Suitable signs embodying the above personal regulations and instructions shall be conspicuously posted at all regulated swimming pools, wading pools, regulated spa pools, or other recreational water features.

Section 7.72.150 Violation of personal regulations.

Any person willfully violating the personal regulations contained in Section 7.72.140 shall be deemed guilty of a misdemeanor.

Section 7.72.160 Daily records.

The owner, lessee or manager of each regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature shall keep a daily record on forms furnished by the Health Officer. This data shall include disinfectant concentration, pH level, and other measurements specified by the Health Officer. A copy of the current license for each regulated swimming pool, spa pool, or other recreational water feature shall be kept with the daily records. These records shall be made available to the Health Officer and shall be maintained on site for a period of at least one year.

Section 7.72.170 Order of closure.

The Health Officer, because of epidemics or an outbreak of sickness related to a regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature, or because of the potential of transmission of disease or sickness through a regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature or because of failure to comply with the requirements of this chapter, may as a preventive public health measure, order such regulated swimming pools, wading pools, regulated spa pools, or other recreational water features to be closed and/or sample and test the water for constituents deemed necessary by the Health Officer of such regulated swimming pools, wading pools, regulated spa pools, or other recreational water features and/or order such modifications of water treatment or operation and use as he or she deems necessary.

Section 7.72.180 Plans and specifications for construction.

No person shall begin construction of a regulated swimming pool, regulated spa pool, wading pool or other recreational water feature or shall substantially alter or reconstruct any regulated swimming pool, regulated spa pool, or other recreational water feature, without first having submitted plans and specifications to the Health Officer for review, and without receiving a copy of these submitted plans and specifications approved by the Health Officer. At least two copies of the plans and specifications shall be submitted to the Health Officer with at least one copy being returned. The plans shall be drawn to scale and accompanied by proper specifications so as to permit a comprehensive review of the plans, including the piping and hydraulic details. The plans shall include design drawings and sectional views showing all necessary dimensions of both the pool and surrounding area. The plans shall also include a piping diagram showing all inlets and outlets; filtration, aeration and recirculation systems; water supply and waste water disposal, in sufficient detail, as well as pertinent elevations and data to permit a hydraulic analysis of the system. The specifications shall contain details on all treatment equipment including catalog identification of pumps, chlorinators, chemical feeders, filters, strainers, interceptors, and related equipment. The plans shall also show details on all electrical equipment, decks and steps. The basis of plans review of regulated swimming pools, wading pools and regulated spa pools by the Health Officer shall be the Proposed Minimum Standards for Public Pools (and Public Spas) published by the National Spa and Pool Institute. The basis of plans review for recreational water features shall be Section 7.72.191 of the City Code. Regulated swimming pools, wading pools, regulated spa pools and recreational water features and facilities shall be built in accordance with the plans as approved unless subsequent approval of changes has been given in writing by the Health Officer.

All parts of the regulated swimming pool, wading pool, regulated spa pool or recreational water feature must be designed, constructed, maintained and operated so there are no slip, trip or fall hazards or other conditions that may pose a safety hazard. If night operation is proposed, at least 6 foot-candles of light shall be provided to any regulated pool deck and area, the recreational water feature floor and the water feature area. Lighting that may be exposed to the water of such pool or feature shall not exceed 15 volts, shall be installed in accordance with manufacturer's specifications and be approved for such use by UL or NSF.

Section 7.72.190 Inspection by Health Officer.

The manager of every regulated swimming pool, regulated spa pool, wading pool or other recreational water feature shall notify the Health Officer at the time of completion of construction to permit inspection of such regulated structures and equipment prior to being open for use by the public. No regulated swimming pool, regulated spa pool, wading pool or other recreational water feature shall be used by the public until such inspection has been made and full compliance with the requirements of these regulations has been met. The Health Officer is authorized to conduct additional inspections and obtain such water samples as he or she deems necessary to protect public health and insure continued compliance with all provisions of this chapter and shall have the right of entry at any reasonable hour to all regulated swimming pools, regulated spa pools, wading pools or other recreational water features for this purpose.

Section 7.72.191 Requirements for design and construction of recreational water features.

- (1) Waters discharged from all recreational water features such as interactive fountains or spray features shall not pond on the feature floor but shall flow by gravity through a main drain fitting to a below-grade sump or collection system which discharges to a surge tank. Access

adequate for service and maintenance shall be provided to the sump and surge tank. A means of vacuuming and completely draining the tank shall be provided. Stairs or a ladder and necessary equipment shall be provided as needed to ensure safe entry into the tank. When an underground sump is utilized an automatic skimmer system shall be provided to adequately remove floating debris from the sump and surge tank system.

- (2) The total volume in the surge tank, including all piping, must be a minimum of 4,000 gallons.

The volume in the surge tank, including all piping, must also be a minimum of 3 times the flow rate of all attraction pumps and the recirculation pump(s) combined, e.g., if the flow rate of all pumps is 2,000 gallons per minute, a volume of at least 6,000 gallons would be required. An automatic water level controller shall be provided. An overflow waste line with air gap shall be provided.

- (3) All recreational water features shall require a recirculation filter system. The recirculation system must be on a separate loop and not interconnected with the jet spray pump. The filter system shall be capable of filtering and treating the entire water volume of the water feature within 30 minutes. If the surge tank in use exceeds the required minimum volume as stated in Section 7.72.191, paragraph (2), the time the filter system shall be capable of filtering and treating the entire volume of the water feature may be increased proportionately; e.g., if a 6,000 gallon tank is required, and a 12,000 gallon tank is in use, the filtration and treatment time may be increased to within 60 minutes. The filter system shall draft from the lowest portion of the surge tank and return filtered and treated water to the tank via equally spaced inlet fittings. The flow rate through these fittings shall not exceed 20 gallons per minute (gpm).

- (4) The suction intake of the jet spray pump in the surge tank must not be located in the

immediate vicinity of the suction intake of the recirculation pump. It must be located as close as possible to the recirculation return line inlet fittings.

- (5) The feature spray devices must be designed, constructed, and installed so that they do not create a safety hazard. Nozzles that spray from the ground level must be flush with the ground, with openings no greater than one-half inch. Spray devices that extend above the ground must be high enough so they can be clearly seen and are not a trip hazard. The flow rate through the feature nozzles of the water features shall not exceed 20 feet per second, unless justified by the fountain designer and the fountain system manufacturer, and approved by the Health Officer.
- (6) All foggers and jet nozzle sprays that produce finely atomized mists must be connected to a separate potable water source.
- (7) Chemical feeders shall be provided and the disinfection feeder shall be capable of feeding 12mg/L of free chlorine to the filter return piping. Automated Oxidation Reduction Potential (ORP) and pH controllers with sensing probes shall be provided to assist in maintaining proper disinfection and pH levels. A separate point-source chlorinator may be required on the jet spray piping if the proper free chlorine residual required in Section 7.72.120 cannot be properly maintained.

Section 7.72.193 Additional requirements for regulated spa pools.

- (1) Rooms which contain regulated spa pools shall be provided with adequate air circulation to prevent condensation on the walls.
- (2) Spa pools shall have a precaution sign mounted adjacent to the entrance to the spa. The sign shall state the following with clearly legible letters: CAUTION. (1) Elderly persons and those suffering from heart disease, diabetes, high or low blood pressure should not enter the

spa. (2) Unsupervised use by children is prohibited. (3) Do not use while under the influence of alcohol, anticoagulants, antihistamines, vasoconstrictors, vasodilators, stimulants, hypnotics, narcotics or tranquilizers. (4) Do not use alone. (5) Observe a reasonable time limit. Long exposures may result in nausea, dizziness or fainting.

Section 7.72.197 Waivers.

The Health Officer may grant a variance to the requirements of this chapter when alternative methods are available to attain the objectives of this chapter, or the Health Officer determines that the variance will not adversely affect public health and safety. Individuals aggrieved by any decision of the Health Officer relative to waivers may appeal to the City Council by making a written request for such an appeal to the City Clerk within ten days of such decision.

Section 7.72.200 Suspension and Revocation of license.

(a) The Health Officer may, upon ten days written notice, suspend or revoke a license for any of the following reasons:

- (1) Violations of this code with the potential to affect the public health or safety; or
- (2) Repeated violations of this code, found in consecutive inspections; or
- (3) Interference with the regulatory authority in the performance of its duty; or
- (4) Continued operation after an order of closure.

(b) Before suspension or revocation, the Health Officer shall notify the owner, lessee or manager of the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature of the reasons for which such license is subject to suspension or revocation. The license to operate the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature shall be suspended or revoked at the end of the ten days following

service of such notice unless a written request for a hearing is filed with the Health Officer by the owner, lessee or manager of the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature within such ten-day period. If no request for hearing is filed within the ten-day period, the suspension or revocation of the license to operate the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature becomes final.

Section 7.72.201 Service of notice.

A notice provided for in this code is properly served when it is personally served on the owner, lessee or manager of the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the owner or lessee of the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature. A copy of the notice shall be filed in the records of the Health Officer.

Section 7.72.202 Hearings and appeals.

The hearing provided for in this code shall be conducted by the Health Officer at a time and place he or she designates. The Health Officer shall make a final finding based upon oral and written evidence presented at the hearing and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision, including the reason(s) for such decision shall be furnished to the owner, lessee or manager of the regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature by the Health Officer within ten days after the hearing. An owner, lessee or manager of a regulated swimming pool, wading pool, regulated spa pool, or other recreational water feature dissatisfied with the determination made by the Health Officer at the hearing may appeal such determination to the

City Council by filing written notice of such appeal with the City Clerk within ten days of notice of the Health Officer's determination. Such appeal shall be heard by the City Council at its next scheduled regular session following the filing of the notice of appeal.

Section 7.72.220 Penalty for violation of provisions of chapter.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars or by imprisonment of not more one year, or by both such fine and imprisonment.

Section 7.72.230 Severability clause.

Should any section or provision of this chapter for any reason be held void, unconstitutional or invalid, it shall not affect the validity of any other section or provision of this chapter.

SECTION 2. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this May 10, 2005.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law